



# Austin City Council MINUTES

For AUGUST 20, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

## Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the absence of Councilmember Shipman.

### MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved minutes for regular meeting of August 13, 1987 and special meetings of August 11 and August 12, 1987. (4-0 Vote, Councilmember Shipman absent, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

### CITIZEN COMMUNICATIONS

Mr. Allan Longacre showed an art project. David S. Kirkland discussed enforcement of the 1982 Uniform Fire Code, City Code 13-7. John Richey, Donald W. Gillen and Kevin MacDonnel talked about Westmister Glen Subdivision.

### GARNER HOUSE

Mayor Cooksey introduced an item to Council to discuss the Gardner House Facility Planning and Construction. Judge Joe Hart, representing the Juvenile Board, said something needs to be done as soon as possible to enlarge the facility. City Manager Carrasco said there had been a meeting that morning about Gardner House and there would be no stumbling blocks in the progress. The project will be given top priority. In answer to a question about re-zoning, Tracy Watson said the property can be re-zoned in 30-45 days.

### OLD BUSINESS - ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, acted on the following ordinances as indicated. (6-0 Vote, Councilmember Shipman absent)

Lone Star Gas Company Public Utility Franchise

Passed through second reading of an ordinance granting Lone Star Gas Company a Public Utility Franchise for twenty years.

Item Postponed

Postponed indefinitely was consideration of second/third readings of an ordinance amending Chapter 13-2A of the Austin City Code to cover changes for Moore's Crossing Joint Venture, C14-86-155.

Zoning Ordinances

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed through second/third readings of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:

NASH PHILLIPS/COPUS INC. C14-83-080 By Scott Roberts C14-83-080	3018-3108 Cameron Loop(Leo St.) 8411- 8415 Longview Rd.	From Interim "SF-3" to "LR"
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First reading on November 8, 1984, (6-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an exhibit to the ordinance.

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JERRY ANGERMAN C14-85-288(197)	7748 Highway 290 West	From Interim "RR" to "LR"
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First reading on June 18, 1986, (7-0). Restrictive Covenant incorporated conditions imposed by Council has been executed.

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JERRY L. DIXON C14-85-288.94	8204 Pitter Pat Lane	From Interim "SF-2" to "GR"
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First reading on October 9, 1986 (5-0). Councilmember Urdy out of room at roll call. Restrictive Covenant incorporating conditions imposed by Council has been executed.

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Shipman absent)

Operating Budget Amendment

Amended the 1986-87 Annual Operating Budget by accepting an additional \$16,327.75 from the Texas Department of Human Services, for the month of September 1987 for the Title XX Family Planning contract. The Title XX contract allocates funding for the Health Department's Family Planning Program.

Fern Bluff MUD

Approved the issuance of \$3,710,000.00 Fern Bluff Municipal Utility District Unlimited Tax and Revenue Bonds, Series 1987.

Zoning Ordinances Amended or Repealed

Approved amending and/or repealing the following zoning ordinances to correct the legal descriptions or use designations:

- a. Ordinance No. 870326-E and Ordinance No. 870702-<sup>N</sup>~~W~~, Zoning Case C14-86-330, locally known as 2400-2406 & 2401-2431 Exposition, 3100-3118 & 3200-3204 Windsor Road, 2400-2430 Spring Lane & 2601-2621 Bowman Avenue.
- b. Ordinance No. 820916-B, Zoning Case No. C14r-81-229, locally known as 3501-3539 Far West Boulevard, 6800-6856 Austin Center Boulevard, 3401-3420 Austin Center Drive, 6600-6798 Loop 1 (MoPac Expressway), 3400-3448 North Hills Drive, 6911-7063 Wood Hollow Drive.
- c. Ordinance No. 870416-C, Zoning Case C14-84-464, locally known as 12201 and 12202 Tanglewild Drive.
- d. Ordinance No. 870312-I, Zoning Case C14-73-253 (part), locally known as 9901-9909 Burnet Road.
- e. Ordinance No. 870604-B, Zoning Case C14-85-288.150, locally known as the Intersection of U.S. 290 and State Highway 71 West.
- f. Ordinance No. 861016-E, Zoning Case C14r-85-304, locally known as 1306 FM 620 North.

Speed Code Modifications

Amended the Austin City Code to modify the following speed zones:

**Section 11-2-100(a) 35 mph**

**Delete:** Jones Road from Westgate Boulevard to Manchaca Road

**Add:** Jones Road from West Gate Boulevard to Manchaca Road

**Section 11-2-100(e) 55 mph**

Delete: Expressway Lanes of IH-35 from U.S. 290 to north city limits

Delete: Expressway Lanes of IH-35 from U.S. 290 (Koenig Lane) to East 1st Street

Delete: Expressway Lanes of IH-35 from south city limits to East 1st Street

Add: Expressway Lanes of IH-35 from Mile Point 4.289 to Mile Point Eq. 30.275/0.000 to Mile Point 0.623 (north city limits)

**Section 11-2-100(a) 35 mph**

Delete: Pleasant Valley Road from 500 feet north of the centerline of Riverside Drive to the centerline of Oltorf Street

Add: Pleasant Valley Road, South, from 500 feet north of the centerline of Riverside Drive, East, to the centerline of Oltorf Street, East

Item Postponed

Postponed to August 27, 1987 are consideration of the following changes:

**Section 11-2-100(h) 65 mph**

Add: Expressway Lanes of IH-35 from Mile Point 0.785 (south city limits) to Mile Point 4.289

**CONSENT RESOLUTIONS**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Shipman absent)

Release of Easement

Authorized release of the following easement: The drainage easement of record in Volume 10203, Page 173, Travis County Real Property Records. Located on the north side of Convict Hill Road at Cannon Mountain Drive. (Request submitted by Ronald W. Spencer, Lichtler/Jameson & Associates, Inc., on behalf of Realtex Funding Corp.)

Capital Improvements Program

Authorized the filing of Eminent Domain Proceedings to acquire:

- a. 0.9992 acres of land of right-of-way in fee simple out of the Lucas Munos Survey, No. 55 in the City of Austin, Travis County, Texas for the Austin Metropolitan Area Roadway Plan Project (290 East) (Gilbert Ginsel and Dorothy Ginsel, owners) C.I.P. No. 85/62-66.
- b. A permanent water transmission main easement containing 1.03 acres of land and a 25 foot temporary working easement immediately adjacent to said permanent easement out of the Santiago Del Valle Grant in Travis County, Texas from Evelyn Sundberg Frensky et al for the Pilot Knob Water Transmission Main Improvement Project. C.I.P. No. 82/22-17

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Approved acquisition of right-of-way for the West 35th Street Improvement Project. (R.G. Mueller Jr., owner) C.I.P. No. 78/62-22

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Approved acquisition of right-of-way for Spicewood Springs Road, Phase II, Improvement Project. (Fred Richmond Jr., Ruth Elizabeth Pollard Huey and the estate of Robert Millar Huey owners) C.I.P. No. 73/62-31

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Approved the following change order: In the amount of \$47,348.92 to Lewis Contractors, Inc., for the Rogers Lane & Nixon Lane Water & Wastewater Service Contract. (5.85% increase of the original amount of \$814,497.55)

Weatherization Assistance Program

Approved of Amendment No. 1 to contracts for Weatherization Assistance Program for the Economically Disadvantaged. C.I.P. No. 85/52-02.

Contract Approved

Approved the following contract:

CLEARWATER CONSTRUCTORS  
P.O. Box 15547, Northeast Sta.  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM  
Final phase of improvements at the Walnut Creek Wastewater Treatment Plant Expansion Project. Transportation and Public Services Department. Total \$19,817,000.00 C.I.P. No. 87/0219-02

Disposal of Solid Waste

Authorized and approved of a clarification to a contract for disposal of solid waste for an estimated amount of \$234,000.00 to continue the contract an additional twelve months from August 17, 1987 through August 16, 1988 and two twelve month extension options estimated at \$234,000.00 each.

License Agreement

Approved entering into the following License Agreement:

- a. To allow the installation of a 4" wastewater force main 5' into the 20' alley in Block 7, Original City of Austin. This will include Lots 2 through 6, 200 East 1st Street. (Request submitted by Mr. Eddy Bauman on behalf of the Vantage Companies)

Retirement Board

Appointed six members and six alternate members of the 1987 Employees Retirement Board Nominating and Election Committee.

Family Planning Contract

Accepted a grant and extended the Texas Department of Human Services Title XX Family Planning Contract termination date from August 31, 1987 to August 31, 1988.

Public Hearings Set

Set public hearings as follows:

- a. Amending the Water and Wastewater Utility Service Area Ordinance (810820-B) to include MAB V Tract: August 27, 1987 at 3:30 p.m.
- b. Amending the Water and Wastewater Utility Services Area Ordinance (810820-B) to include the Uplands: August 27, 1987 at 3:45 p.m.

Vacant Job Positions

Adopted a resolution concerning vacant job positions.

ITEMS POSTPONED

Postponed were discussion of Walter Tips Warehouse and consider amending the resolution creating the Plumbing Advisory Board in order to add one position.

**CONVENTION CENTER PROJECT**

Mayor Cooksey introduced an item inquiring into the status of the Convention Center process and contract with Gilbane. His questions were answered with a City Manager Report, Status of Convention Center Process.

**STATE HIGHWAY COMMISSION**

No action was taken on Mayor Cooksey's item concerning State Highway Commission.

**ZONING ORDINANCE**

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, passed through SECOND READING ONLY an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following change: (6-0 Vote, Councilmember Shipman absent)

BRADFIELD-CUMMINS &  
TRANSWESTERN PROP. CO.  
By Donna Kristaponis  
C14r-86-283

3711 MoPac South

From "SF-2"  
to "GO"

Second reading only. First reading on June 4, 1987, (5-2). Mayor Pro Tem Trevino and Councilmember Urdy voted "NO". Conditions have not been met.

**AVANTE PLAZA - CERTIFICATE OF PURCHASE AGREEMENT**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance approving final approval and execution of all documents pertaining to the acquisition of the Avante Plaza Building for the Water & Wastewater Department, including but not limited to, approval of an official statement and certificate purchase agreement. (5-0 Vote, Councilmember Shipman absent, Councilmember Nofziger abstained)

Prior to this vote there was a motion which passed first reading only with a vote of 4-0, Councilmembers Nofziger and Humphrey abstaining and Councilmember Shipman absent. Mayor Pro Tem Trevino made a motion to reconsider, seconded by Councilmember Urdy, which passed 6-0 with Councilmember Shipman absent. Motion was then made to pass through final reading.

**WAIVERS OF WATERSHEDS ORDINANCE**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, DENIED granting a waiver from the Comprehensive Watersheds Ordinance for Fairway Estates. (6-0 Vote, Councilmember Shipman absent)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, DENIED granting a waiver from the Comprehensive Watersheds Ordinance for Gill Ranch. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Shipman absent)

Council postponed action indefinitely on Davenport West re granting a waiver from the Comprehensive Watersheds Ordinance.

#### RECESS

Council recessed its meeting from 3:30 to 3:50 p.m.

#### CONTRACT POSTPONED

Postponed until August 27, 1987 is consideration of approving the following contract:

COFFEE EQUIPMENT, INC.  
P.O. Box 845  
Buda, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Miscellaneous Drainage Improvements  
No. 2, Group A, Transportation and  
Public Services Department  
Total \$85,576.94 C.I.P. No.  
85/60-03

#### WATER & ENERGY CONSERVATION FOR BUSINESSES

The Council on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution approving a contract award for strategies to promote water and energy conservation businesses for a total amount of \$86,530.00. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Shipman absent)

#### Motion to Reconsider

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, reconsidered the motion. (4-0 Vote, Councilmembers Carl-Mitchell and Humphrey out of the room, Councilmember Shipman absent)

#### Item Postponed

Council unanimously agreed to postpone consideration until August 27, 1987.

#### DISALLOWED MEDICARE REIMBURSEMENTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution extending the agreement with Wood, Lucksinger and Epstein to represent Brackenridge Hospital in the appeal of disallowed Medicare reimbursements at a cost not to exceed \$45,000.00. (4-0 Vote, Councilmember Humphrey and Carl-Mitchell out of the room, Councilmember Shipman absent)

## APPEAL TO COUNCIL

The Council, on Councilmember Nofziger's motion, Mayor Pro Tem Trevino's second, at the request of Mr. G. Wayne Dykes of Page Southerland Page, set a public hearing on an appeal of the denial of the Site Development Permit Application No. 87-07-4969 for the Page Southerland Page Employee Parking Lot and Retaining Wall Reconstruction, PSP #187340: September 3, 1987 at 3:30 p.m. (4-0 Vote, Councilmembers Carl-Mitchell and Humphrey out of the room, Councilmember Shipman absent)

## PUBLIC HEARING - APPEAL OF SITE DEVELOPMENT PERMIT DENIED

Mayor Cooksey opened the public hearing set for 5:00 p.m. on an appeal of Site Development Permit No. 8080, Stewart Landing Marina on Hurst Creek Road, Lake Travis Watershed.

Tracy Watson, OLDS, reviewed. Craig Alter, Cynthia Stopper, Eileen Alter, Mrs. James B. Chell and N.S. Bondison represented the appellant view. Paul Isham, attorney for the applicant of the site development permit, presented their case. Col. Stuart discussed his permit to put in a marina, as did Betty Stuart Hanson and Ernest Stuart.

No motion or action by Council, therefore appeal was DENIED.

## EXECUTIVE SESSION

Mayor Cooksey announced Council would go into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

## 1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin v. Houston Lighting and Power
- (b) Overton et al v. City of Austin
- (c) West Lake Hills Truck Routes

## 2. Land Acquisition - Section 2, Paragraph f

- (a) Aviation Issues
- (b) Nueva Vida

## RECESS

Council recessed its meeting for executive session at 5:45 p.m. and resumed its recessed meeting at 6:40 p.m.

**ULLRICH WATER TREATMENT PLANT**

Council had before them for consideration a resolution to consider options regarding the City of West Lake Hills actions impacting operation of the Ullrich Water Treatment Plant. Council directed staff to send the proposal to West Lake Hills.

**PUBLIC HEARING - CAPITAL, OPERATING BUDGET, FEES AND TAX RATE**

Mayor Cooksey opened the public hearing scheduled for 6:00 P.M. on the Capital, Operating Budget, Fees and Tax Rate. Speaker cards are on file in the City Clerk's office. When the hearing was finished no motion was made.

**SUG RATE INCREASE**

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance approving Southern Union Gas Company's requested rate increase. (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Shipman absent)

**ADJOURNMENT**

Council adjourned its meeting at 8:20 p.m.